upa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.3864 OF 1999

Canara Bank).. Plaintiffs

Versus

Sonal S. Gandhi).. Defendant

Ms.Divya Sanghavi i/b.M/s.Umesh Shetty & Co. for the Plaintiffs.

None present for the Defendant.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 10TH APRIL 2006

P.C.:

. The Summons for Judgment was heard on 16th April 2002, when this Court had directed that an amount of Rs.2,71,846/- be deposited within eight weeks from that date. The Court had further observed that in the event the amount was not deposited, the Summons for Judgment would stand granted and the Suit would stand decreed.

2. The office has issued non-deposit certificate on 27th October 2005. The Plaintiffs would, therefore, be entitled to a decree.

3. The Suit has been filed for recovery of the amount granted to the Defendants under the Over Draft Facility. Original documents, which are produced along

with the list, indicate that the Over Draft Facility for the amount of Rs.2,95,000/- was extended to the Defendants. The Defendants have received the amount and the amount has remained unpaid. Despite the Advocate's notice issued to the Defendants to pay the amount, no repayment was made by the Defendants.

4. Nobody appears for the Defendants. There is no appearance filed nor is there any Written Statement filed on behalf of the Defendants.

5. In the circumstances of the case, Suit is decreed as prayed for. However, the interest payable from the date of the filing of the Suit till realisation is reduced to 6% per annum.